



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207*

NOTICE TO THE BAR

Amicus Curiae Participation

On September 23, 2010, the Court of Appeals granted petitioner Dutchess County Department of Social Services (DSS) leave to appeal in Matter of Afton C. [James C.], which involves five related Family Court Article 10 neglect proceedings against James C. (father) and Grace C. (mother). As stated by the Appellate Division, Second Department, the petitions alleged "that the father was an 'untreated' level three sex offender who, after his release, had returned to the family home wherein the subject children resided, and that the mother, by allowing the father to return to the home, failed to protect the subject children." The Appellate Division (1) reversed a Family Court fact-finding order that father and mother neglected their six children, on the law, (2) denied the petitions and (3) dismissed the proceedings. The issue is whether the Appellate Division erred in dismissing the neglect proceedings as a matter of law. The Appellate Division decision appears at 71 AD3d 887, 896 NYS2d 213.

The Court invites amicus curiae participation from those qualified and interested.

Amicus motions must comply with section 500.23 of the Rules of the Court of Appeals. The text of the Rule is available on the Court's internet web site at:

<http://www.courts.state.ny.us/ctapps/500rules08.htm>.

Questions may be directed by telephone to the Clerk's Office at (518) 455-7705.

September 24, 2010

Stuart M. Cohen
Clerk of the Court